

Notice of Allowability

Application No.

10/811,868

Examiner

Jared I. Rutz

Applicant(s)

KANEDA ET AL.

Art Unit

2187

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/24/2006.
2. ☒ The allowed claim(s) is/are 1-7, 12-18 and 20-24.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

1. Claims 1-7, 12-18, and 20-24, as amended on 4/24/2006, are pending in the instant application. Applicant's arguments filed 4/24/2006 have been carefully and fully considered, and are found to be persuasive. Accordingly, this application is in condition for allowance.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

3. The amendment to claims 5 and 6 are sufficient to overcome the Examiner's objection to said claims. Accordingly, the objection to claims 5 and 6 is withdrawn.

4. In the Office action of 1/24/2006, the Examiner objected to claim 7 as being dependent on claim 8. In the copy of the amended claims received 4/24/2006, the Examiner notes that claim 7 is dependent on claim 3. Upon further review of the claims as originally filed, the Examiner believes that claim 7 was originally dependent on claim 3, and was misread due to the copying process. Accordingly, the objection to claim 7 is withdrawn.

Claim Rejections - 35 USC § 101

5. The rejection of claims 10 and 11 under 35 USC 101 is considered moot, as claims 10 and 11 have been cancelled.
6. The amendments to claims 13-18 are sufficient to clarify the statutory category of invention to which claims 13-18 are directed. Accordingly, the rejection of claims 13-18 under 35 USC 101 is withdrawn.

Response to Arguments

7. Applicant's arguments, see page 26 line 16 to page 27 line 5, filed 4/24/2006, with respect to claim 1 have been fully considered and are persuasive. The rejection of claims 1-7 has been withdrawn.
8. Applicant's arguments, see page 28 line 11 to page 29 line 16, with respect to independent claims 8 and 10 are unclear to the Examiner, as claims 8-11 were cancelled by the amendment of 4/24/2006.
9. Applicant's arguments, see page 30 lines 10-13, with respect to independent claim 12 have been fully considered and are persuasive. The rejection of claim 12 has been withdrawn.
10. Applicant's arguments, see page 31 lines 3-5, with respect to independent claim 13 have been fully considered and are persuasive. The rejection of claims 13-18 has been withdrawn.

11. Applicant's arguments, see page 31 lines 16-18, with respect to independent claim 20 have been fully considered and are persuasive. The rejection of claim 20 has been withdrawn.

Reasons for Allowance

12. **Claims 1-7, 12-18, and 20-24** are allowed.

13. Independent **claim 1** has been to recite the limitation "*wherein each piece of hierarchy information indicates a data storage apparatus hierarchy of a multistage connection of said data storage apparatuses, including those data storage apparatuses that have storage areas for storing data used by said computers through a storage area of a higher one of said data storage apparatuses according to said hierarchy*". This limitation is taught by the specification at page 8 lines 17-25, and argued by Applicant at page 26 line 16 through page 27 line 5 of the remarks filed 4/24/2006. This limitation is not taught or suggested by the prior art of record.

14. **Claims 2-7 and 21-22** are allowed for at least the reasons cited with respect to claim 1.

15. Independent **claim 12** has been amended to recite the limitation "*wherein each piece of hierarchy information indicates a data storage apparatus hierarchy of a multistage connection of said data storage apparatuses, including those data storage apparatuses that have storage areas for storing data used by said computers through a storage area of a higher one of said data storage apparatuses according to said*

hierarchy". This limitation is taught by the specification at page 8 lines 17-25, and argued by Applicant at page 30 lines 10-13 of the remarks filed 4/24/2006. This limitation is not taught or suggested by the prior art of record.

16. **Claims 23 and 24** are allowed for at least the reasons cited with respect to claim 12.

17. Independent **claim 13** has been amended to recite the limitation "*wherein each piece of hierarchy information indicates a data storage apparatus hierarchy of a multistage connection of said data storage apparatuses, including those data storage apparatuses that have storage areas for storing data used by said computers through a storage area of a higher one of said data storage apparatuses according to said hierarchy*". This limitation is taught by the specification at page 8 lines 17-25, and argued by Applicant at page 31 lines 3-5 of the remarks filed 4/24/2006. This limitation is not taught or suggested by the prior art of record.

18. **Claims 14-18** are allowed for at least the reasons cited with respect to claim 13.

19. Independent **claim 20** has been amended to recite the limitation "*wherein each piece of hierarchy information indicates a data storage apparatus hierarchy of a multistage connection of said data storage apparatuses, including those data storage apparatuses that have storage areas for storing data used by said computers through a storage area of a higher one of said data storage apparatuses according to said hierarchy*". This limitation is taught by the specification at page 8 lines 17-25, and

argued by Applicant at page 31 lines 16-18 of the remarks filed 4/24/2006. This limitation is not taught or suggested by the prior art of record.

Examiner's Amendment

20. Claims 1-7, 12-18, and 20-24 will be renumbered as follows.

Original	1-7	12	13-18	20	21-22	23-24
Final	1-7	10	13-18	19	8-9	11-12

Conclusion

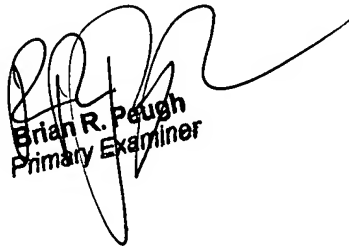
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared I. Rutz whose telephone number is (571) 272-5535. The examiner can normally be reached on M-F 8:00 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on (571) 272-4201. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Brian R. Peugh
Primary Examiner